

Region 20 – 700 MHz Regional Planning Committee
District of Columbia, State of Maryland and Northern Virginia

G. Edward Ryan, II, Chairman
c/o Maryland Department of Natural Resources
580 Taylor Avenue, E-3
Annapolis, Maryland 21401

Phone: 410-260-8734

e-mail: gryan@dnr.state.md.us

Fax: 410-260-8404

June 17, 2008

Federal Communications Commission
Office of the Secretary
445 12th Street, SW
Washington, DC 20554

Attention: Chief, Public Safety and Homeland Security Bureau

Subject: WTB Docket No. 02-378 and PS Docket No 06-229
Region 20 - 700 MHz Regional Plan Amendment
Coordination with Regional Planning Committee 36

Dear Chief Poarch:

Regional Planning Committee Twenty (Region 20) re-submitted its Plan for 700 MHz to the Commission for review and approval on December 31, 2007 in compliance with the provisions of the Second Report and Order¹ as well as subsequent guidance from the Public Safety and Homeland Security Bureau^{2,3}. Region 20 updated the December 31, 2007 filing with an amendment on the date of April 14th, 2008 describing the initial channel assignments⁴ to be used by members of the Region. On May 29th, 2008, the Commission released a Public Notice⁵ advising that the Region 20 Plan was tentatively approved and inviting the public filing of comments relative to the 700 MHz Plan.

When Region 20 filed its Plan on December 31, 2007 as well as the April 14th Amendment, Regional Planning Committee Thirty-Six (Region 36) had not convened. Region 36 convened on May 14, 2008. In footnote 8 of the Public Notice⁶, the Commission stated, “*We note that Region 36 recently convened its first meeting on May 14, 2008. See Public Safety and Homeland Security Bureau Action; Region 36 (Western Pennsylvania) 700 MHz Regional Planning Committee Announces First Meeting, Public Notice, 23 FCC Rcd 3717 (PSHSB 2008). Accordingly, we anticipate that Region 20 will pursue coordination of its Revised Plan with Region 36 at its earliest convenience*”.

¹ See FCC 07-132 at ¶346

² See DA 07-4850

³ See DA 07-5103

⁴ See 47 CFR §90.527(a)(3)

⁵ See DA 08-1267

⁶ *Id.*

In response to the comments of the Commission and related guidance from the Public Safety and Homeland Security Bureau, Region 20 contacted the Chair of the newly formed Region 36 and provided a copy of the Region 20 Plan for 700 MHz as well as related supporting materials with a request for coordination of the Plan. The Region 36 Chair was very helpful in promptly addressing the concurrence request.

Attached are two documents from Region 36 to be added to Section 5.1 of the Region 20 Plan for 700 MHz.

- A. Statement of Concurrence with the 700 MHz Plan for Region 20
- B. Execution of the Dispute Resolution Form between Regions 20 and 36.

With this subsequent amendment, Region 20 believes that the 700 MHz Plan, as amended, is in full compliance with the requirements of the Commission⁷ and the originally requested waivers relative to frequency assignments and Region 36 coordination are no longer requested as both issues have been resolved subsequent to the filing of the 700 MHz Plan on December 31, 2007.

Sincerely,

/s/ G. Edward Ryan, II

G. Edward Ryan, II,
Chairperson of Regional Planning Committee 20

⁷ See 47 CFR §90.527(a)

Region 36 – Western Pennsylvania
700 MHz Regional Planning Committee

450 E Market St
Kittanning, Pa
724-548-3430-V 724-548-3326-F

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580 Taylet Avenue, E-4
Annapolis, Maryland 21401

Dear Mr. Ryan:

My apologies for not replying to your request to review Region 20's 700 MHz Plan as quickly as you desired. Region 36 (Pennsylvania) concurs with the region 20 700 MHz plan. Region 36 has reviewed the 700 MHz plan submitted by Region 20, and is satisfied that the plan takes into account the necessary considerations to coordinate with adjacent regions.

Region 36 looks forward to working with region 20 in coordination of 700 Mhz and other spectrum issues in the future.

Please contact me if you have any questions on this concurrence.

Sincerely

A handwritten signature in cursive script, reading "Randall J. Brozenick".

Randall J Brozenick, Chairman
700 MHz Committee of Region 36

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Phone: 410-260-8843 e-mail: gryan@dnr.state.md.us Fax: 410-260-8878

Inter-Regional Coordination Procedures
and
Procedures for Resolution of Disputes
That May Arise Under FCC Approved Plans

I. INTRODUCTION - COORDINATION PROCEDURES

This is a mutually agreed upon Inter-Regional Coordination Procedures Agreement (Agreement) by and between the following 700 MHz Regional Planning Committees; Region 20 and Region 36, hereinafter known as the "Regions".

II. INTER-REGIONAL COORDINATION AGREEMENT

The following is the specific procedure for inter-regional coordination which has been agreed upon by the Regions, and which will be used by the Regions to coordinate with adjacent Regional Planning Committees.

- A. An application filing window is opened or the Region announces that it is prepared to begin accepting applications on a first-come/first-served basis.
- B. Applications by eligible entities are accepted.
- C. An application filing window (if this procedure is being used) is closed after appropriate time interval.
- D. Intra-regional review and coordination takes place, including a technical review resulting in assignment of channels.
- E. After intra-regional review, a copy of those frequency-specific applications requiring adjacent Region approval, including a definition statement of proposed service area, shall then be forwarded to the adjacent Region(s) for review.¹ This

¹ If an applicant's proposed service area or interference contour extends into an adjacent Public Safety Region(s), the application must be approved by the affected Region(s). Service area shall normally be defined as the area included within the geographical boundary of the applicant, plus three (3) miles. Interference contour shall normally be defined as a 5 dBu co-channel contour or a 60 dBu adjacent channel contour. Other definitions of service area or interference shall be justified with an accompanying *Memorandum of Understanding (MOU)* or other application documentation between agencies, i.e. mutual aid agreements.

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information will be sent to the adjacent Regional chairperson(s) using the CAPRAD database.

- F. The adjacent Region reviews the application. If the application is approved, a letter of concurrence shall be sent, via the CAPRAD database, to the initiating Regional chairperson within thirty (30) calendar days.

III. DISPUTE RESOLUTION

If the adjacent Region(s) cannot approve the request, the adjacent Region shall document the reasons for partial or non-concurrence, and respond within 10 (ten) calendar days via email. If the applying Region cannot modify the application to satisfy the objections of the adjacent Region then, a working group comprised of representatives of the two Regions shall be convened within thirty (30) calendar days to attempt to resolve the dispute. The working group shall then report its findings within thirty (30) calendar days to the Regional chairperson's email (CAPRAD database). Findings may include, but not be limited to:

- A. Unconditional concurrence
- B. Conditional concurrence contingent upon modification of applicant's technical parameters; or
- C. Partial or total denial of proposed frequencies due to inability to meet co-channel/adjacent channel interference free protection to existing licensees within the adjacent Region

If the Inter-Regional Working Group cannot resolve the dispute, then the matter shall be forwarded for evaluation to the National Plan Oversight Committee (NPOC)², of the National Public Safety Telecommunications Council.

Each Region involved in the dispute shall include a detailed explanation of its position, including engineering studies and any other technical information deemed relevant.

The NPOC will, within thirty (30) calendar days, report its recommendation(s) to the Regional chairpersons via the CAPRAD database. The NPOC's decision may support

² The Regional Plan Oversight Committee (RPOC) is a committee within the National Public Safety Telecommunications Council (NPSTC) established to arbitrate disputes between 700 MHz Regions that cannot be resolved by the impacted Regions.

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either of the disputing Regions or it may develop a proposal that it deems mutually advantageous to each disputing Region.

Where adjacent Region concurrence has been secured, and the channel assignments would result in no change to the Region's currently Commission approved channel assignment matrix. The initiating Region may then advise the applicant(s) that their application may be forwarded to a frequency coordinator for processing and filing with the Commission.

Where adjacent Region concurrence has been secured, and the channel assignments would result in a change to the Region's currently Commission approved channel assignment matrix, then the initiating Region shall file with the Commission a *Petition to Amend* their current Regional plan's frequency matrix, reflecting the new channel assignments, with a copy of the *Petition* sent to the adjacent Regional chairperson(s).

Upon Commission issuance of an *Order* adopting the amended channel assignment matrix, the initiating Regional chairperson will send a courtesy copy of the *Order* to the adjacent Regional chairperson(s) and may then advise the applicant(s) that they may forward their applications to the frequency coordinator for processing and filing with the Commission.

IV. CONCLUSION

IN AGREEMENT HERETO, Regions 20 does hereunto set their signatures the day and year first above written.

Respectfully,

Name of Regional Chair	Region	Date
<i>G. Edward Ryan, II</i> G. Edward Ryan, II	20	May 30, 2008
Name of Regional Chair	Region	Date
<i>Randall J. Brozenick</i> Randall Brozenick, Chairman Regional Planning Committee 36	36	June, 2 2008